

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application : Walter Schubert  
Application No. : 09/808,225  
Filed : March 14, 2001  
Confirmation No. : 2805  
For : PROCESS FOR IDENTIFYING AND ENRICHING  
CELL-SPECIFIC TARGET STRUCTURES  
Examiner : Khatol Shahnan-Shah  
Attorney's Docket : HSS-016XX

Group Art Unit: 1645

\*  
I hereby certify that this correspondence is being sent via  
facsimile to Examiner Shahnan-Shah, TC Art Unit 1645, Fax No.  
(703) 872-9306 on 1/19/05.

By:   
Charles L. Gagnebin, III  
Registration No. 25,467  
Attorney for Applicant(s)

TERMINAL DISCLAIMER

Via Facsimile  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Walter Schubert represents that he is the sole owner of record and owns 100 percent interest in U.S. Patent Application No. 09/353,942, filed on July 15, 1999, now U.S. Patent No. 6,150,173, for AUTOMATED DETERMINING AND MEASURING DEVICE AND METHOD, and of all continuations thereof. The owner hereby

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WEINGARTEN, SCHURGIN,  
GAGNEBIN & LIPOVICZ LLP

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disclaims, except as provided below, the terminal part of any patent granted on the present application that would extend beyond the expiration date of the full statutory term including any term extensions or elongations, as presently shortened by any terminal disclaimer, of U.S. Patent No. 6,150,173. The owner hereby agrees that any patent so granted on the present application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent No. 6,150,173, this agreement to run with any patent granted on the present application and to be binding upon the grantee, its successors or assigns.

The owner does not disclaim any terminal part of any patent granted on the present application prior to the expiration date of the full statutory term including any term extensions or elongations, as presently shortened by any terminal disclaimer of U.S. Patent No. 6,150,173, in the event that it later lapses for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is surrendered pursuant to reissue, is reissued, or is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

[ ] For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency and so forth), the undersigned, whose title is supplied below, is empowered to act on behalf of the organization. A certificate under 37 C.F.R. § 3.73(b) is attached.

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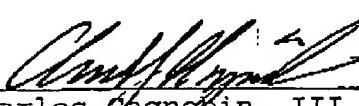
I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true, and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

[X] The undersigned is an attorney of record.

[X] Authorization is provided herewith to charge Deposit Account No. 23-0804 in the amount of \$65.00 for the cost of such terminal disclaimer fee under 37 C.F.R. § 1.20(d).

Respectfully submitted,

WALTER SCHUBERT

By:   
Charles Gagnebin, III  
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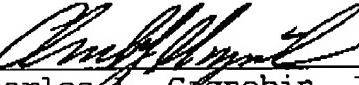
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Sir:

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GAGNEBIN & LEBOVICI LLP

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provided below, the terminal part of any patent granted on the present application that would extend beyond the expiration date of the full statutory term including any term extensions or elongations, as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending second application No. 09/808,224, filed on March 14, 2001. The owner hereby agrees that any patent so granted on the present application shall be enforceable only for and during such period that the legal title to any patent granted on the present application shall be the same as the legal title to any patent granted on the second application, this agreement to run with any patent granted on the present application and to be binding upon the grantee, its successors or assigns.

The owner does not disclaim any terminal part of any patent granted on the present application prior to the expiration date of the full statutory term including any term extensions or elongations, as shortened by any terminal disclaimer filed prior to its grant, if any, of any patent granted on the second application, in the event that any such patent granted on the second application later lapses for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is surrendered pursuant to reissue, is reissued, or is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

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